

Nancy Anderson
127 Berry Lane
Colchester, CT 06415

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

Nancy Anderson, RN
Registered Nurse License No. R17432
Respondent.

CASE PETITION NO. 951006-10-093

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges dated November 9, 1995¹ (Department Exhibit 1-G5). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Nancy Anderson (hereinafter the "Respondent") which would subject the Respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated November 15, 1995, scheduling a hearing for February 21, 1996 (Department Exhibit 1-G2). The hearing took place on February 21, 1996, in Room B-120, Department of Public Health, 150 Washington Street, Hartford, Connecticut.

During the hearing the Respondent presented a Motion for Order Without Testimony (Respondent's Exhibit D). Following oral argument the Board granted the Respondent's motion that the Board render a decision

¹ The Statement of Charges was presented to the Board as part of a Motion for Summary Suspension on November 15, 1995. The Motion for Summary Suspension was denied by the Board.

in this matter by ordering probation of the Respondent's registered nurse license (Hearing Transcript, February 21, 1996, pp. 25-33). Said decision would be based on the Respondent's Answer to the Statement of Charges and the Board's review of the documentary evidence presented during the hearing, thereby foregoing the presentation of oral testimony.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Nancy Anderson, hereinafter referred to as the Respondent, was issued registered nurse license number R17432 on July 8, 1965. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-D)
2. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1-G indicates that the Statement of Charges and Notice of Hearing were delivered by certified mail to the Respondent's address of record and to the Respondent's attorney.
3. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, February 21, 1996, p. 2)
4. The Respondent submitted a written answer to the Statement of Charges. (Respondent's Exhibit A-1)
5. The Respondent has been employed as a registered nurse at Manchester Memorial Hospital, Manchester, Connecticut for approximately twenty-five (25) years. (Department Exhibit 1-C1) (Respondent's Exhibit A-4)

6. Pursuant to a Consent Order dated January 31, 1985, the registered nurse license of the Respondent was suspended for a period of two years. The suspension was immediately stayed with conditions. The disciplinary action against the Respondent's license was ordered due to the Respondent's diversion of the medications Nubain and Parafon Forte, while working as a registered nurse at Manchester Memorial Hospital. (Department Exhibit 1-F)
7. In or about 1994 and 1995, while working as a registered nurse in the emergency department at Manchester Memorial Hospital, the Respondent diverted for her own personal use the controlled substances Tylox and Percocet. (Department Exhibit 1-A, 1-C) (Respondent's Exhibit A-4)
8. In or about 1994 and 1995, while working as a registered nurse at Manchester Memorial Hospital, the Respondent accomplished the diversion of Tylox and Percocet by falsifying controlled substance proof of use sheets. The Respondent signed out doses of Tylox and/or Percocet on proof of use sheets for patients who did not have orders to receive the medications. (Department Exhibit 1-A, 1-C)
9. In or about 1994 and 1995 the Respondent abused or excessively used the controlled substances Tylox and Percocet. (Department Exhibit 1-C) (Respondent's Exhibit A-4)
10. The Respondent has a history of alcohol abuse. (Respondent's Exhibits A-4, B under seal)
11. From September 18, 1995 to October 12, 1995, the Respondent underwent chemical dependency treatment at The Institute of Living, Hartford, Connecticut. Since October 1995, the Respondent has been participating in Alcoholics Anonymous, the support group Nurses for Nurses, and the Impaired Healthcare Professionals Group at BlueRidge Hospital, Hartford, Connecticut. Since on or about February 7, 1996 the Respondent has engaged in individual chemical dependency counseling. (Respondent's Exhibits A-2, A-3, A-4, B under seal)
12. The Respondent continues to be employed as a registered nurse at Manchester Memorial Hospital. The Respondent has enrolled in the hospital's employee assistance program and random drug screening program. (Respondent's Exhibits A-5)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Nancy Anderson held a valid Registered Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 3 of the Statement of Charges alleges that in or about 1994 and 1995, while working as a registered nurse at Manchester Memorial Hospital, Manchester, Connecticut the Respondent:

- “a. diverted Tylox capsules and Percocet tablets;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or
- c. falsified one or more Controlled Substance Receipt Records.”

PARAGRAPH 4 of the Statement of Charges alleges that in or about 1994 and 1995, the Respondent has abused or excessively used Tylox capsules and Percocet tablets.

The Respondent admits these charges. (Answer: Respondent's Exhibit A-D)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes “...(2) illegal conduct, incompetence or negligence in performing usual nursing functions...(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals....”

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as alleged in Paragraphs 3 and 4 of the Statement of Charges is proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (5). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraphs 3 and 4 of the Statement of Charges, the Respondent's registered nurse license, No. R17432, is placed on probation for a period of four (4) years.
2. If any of the following conditions of probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any current employer(s), within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
 - B. Should the Respondent change employment during the probationary period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - C. The Respondent shall not administer, count or have access to controlled substances, or have responsibility for such activities in the course of nursing duties during the first year of working as a nurse during the probationary period.

- D. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or any home health care agency and shall not be self-employed as a nurse during the period of her probation.
- E. The Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Employer reports shall commence with the report due on the first day of October 1996.
- F. The employer reports cited in Paragraph E above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph Q below.
- G. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent's employer shall notify the Board, within seventy-two (72) hours, of such termination.
- H. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist during the entire period of probation.
- I. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- J. The Respondent shall cause monthly evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports are due commencing with the report due October 1, 1996.
- K. The therapist reports cited in Paragraph J above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free

status, and ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in Paragraph Q below.

- L. At her own expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist, and/or personal physician, and/or the Board of Examiners for Nursing. Random alcohol/drug screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking.

There must be at least one (1) such random alcohol/drug screen monthly during the entire probationary period. Reports of said random alcohol/drug screens are due on the first day of the month commencing with the report due on October 1, 1996.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

Random alcohol/drug screens must include testing for the following substances:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (THC Metabolites)
- Cocaine
- Meperidine (Demerol)
- Methadone
- Methaqualone
- Opiates (Metabolites)
- Phencyclidine (PCP)
- Propoxyphene
- Ethanol (alcohol)

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph Q below, by the Respondent's therapist or personal physician or the testing laboratory.

- M. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications, and the Respondent shall not abuse and/or excessively use alcohol and/or drugs. Any use of prescribed medications for the treatment of a medical condition shall be confirmed in writing, to the Board, by the prescribing practitioner.
- N. The Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substance containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.
- O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- P. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- Q. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING
DEPARTMENT OF PUBLIC HEALTH
410 Capitol Avenue, MS #12NUR
P. O. Box 340308
Hartford, CT 06134-0308

- 4. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on

charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut including, but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to the Respondent's address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health or the Board of Examiners for Nursing).

5. This Memorandum of Decision becomes effective, and the four (4) year probation of the Respondent's registered nurse license shall commence, on September 1, 1996.

The Board of Examiners for Nursing hereby informs the Respondent, Nancy Anderson, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 28th day of August 1996.

BOARD OF EXAMINERS FOR NURSING

By 



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

September 26, 2000

Nancy Anderson, RN
127 Berry Lane
Colchester, Connecticut 06415

Re: Memorandum of Decision
Petition No. 951006-010-093
License No. R17432
DOB: ~~1942-01-01~~

Dear Ms. Anderson:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 9/1/2000.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Thank you for your cooperation during this process.

Very truly yours,

A handwritten signature in cursive script, reading "Bonnie Pinkerton".

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: D. Tomassone
J. Wojick



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